

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NORMAN WIELSCH,

Defendant.

Case No: CR 11-00529 SBA

**ORDER ACCEPTING
AMENDED REPORT AND
RECOMMENDATION
REGARDING GUILTY PLEA**

Docket 104

On December 3, 2012, the Court referred this matter to Magistrate Judge Westmore for a report and recommendation on the acceptance of Defendant's guilty plea. Dkt. 83. On December 5, 2012, the Defendant appeared before the magistrate and, with the assistance of counsel, waived his right to enter a guilty plea before a district judge and instead consented to enter his plea in a hearing before the magistrate. See Dkt. 104. The magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea agreement to Counts One, Twelve, Fourteen, Sixteen, and Seventeen of the Indictment. Id. Count One charges Defendant with conspiracy to possess with intent to distribute and to distribute methamphetamine and marijuana in violation of 21 U.S.C. §§ 846, 841(b)(1)(A)(viii), and 841(b)(1)(D). Id. Count Twelve charges Defendant with theft from programs receiving federal funds in violation of 18 U.S.C. § 666(a)(1). Id. Count Fourteen and Count Sixteen charge Defendant with conspiracy against rights in violation of 18 U.S.C. § 241. Id. Count Seventeen charges Defendant with Hobbs Act Robbery in violation of 18 U.S.C. § 1951.

1 Id. The magistrate found that Defendant was fully competent and capable of entering an
2 informed plea, that he was aware of the nature of the charges and the consequences of the
3 guilty plea, and that the guilty plea was knowing and voluntary and supported by an
4 independent factual basis. Id.

5 On December 7, 2012, the magistrate issued a Report and Recommendation
6 Regarding Guilty Plea. Dkt. 88. On May 16, 2013, the magistrate issued an Amended
7 Report and Recommendation Regarding Guilty Plea in which she recommends that this
8 Court accept Defendant's guilty plea. Dkt. 104. The Amended Report and
9 Recommendation advises the parties that they may serve and file specific written objections
10 to the order within fourteen days after being served with a copy of the order. Id. No
11 written objections to the Report and Recommendation were filed prior to the hearing. At
12 the May 20, 2013 sentencing hearing in this matter, the parties indicated that they have no
13 objections to the Amended Report and Recommendation. Accordingly,

14 IT IS HEREBY ORDERED THAT the magistrate's Amended Report and
15 Recommendation (Dkt. 104) is ACCEPTED, the Defendant's guilty plea is accepted, and
16 the magistrate's Amended Report and Recommendation shall become the order of this
17 Court.

18 IT IS SO ORDERED.

19 Dated: 5/20/13

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21 SAUNDRA BROWN ARMSTRONG
22 United States District Judge
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